

Montana State Senate



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STATE ADMINISTRATION
ETHICS
LOCAL GOVERNMENT

The Big Sky Country

13 September 2008

Ravalli County Commissioners
Suite A
215 South 4th
Hamilton, Montana 59840

RECEIVED

SEP 16 2008

Re: Your letter of 12 September 2008

Ravalli County Commissioners

*Medical payments
for detainees*

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Dear Commissioners:

I have received the subject letter and I wish to comment. At this time, I do not favor the bill draft that the hospitals have sponsored. However, the Montana Association of Counties (MACO) has adopted the position of Yellowstone County in its conflict with St. Vincent Hospital; i.e., that a policeman can shoot a suspect and not either arrest, apprehend, or take him into custody by doing so. This is position is at best unreasonable, and at worst dishonest. I do not feel inclined to consider helping the counties related to the payment of the bills of persons injured in the process of being apprehended until MACO separates itself from the Yellowstone County position.

In any event, any help which I might support would not include providing state money to satisfy the county's obligation. As a matter of fact, I have a bill draft in the process which would make a county that takes an unreasonable position in regard to an apprehension that necessitates litigation be required to pay the attorney fees of the prevailing party. Unreasonable positions, positions that are clearly not supported by the facts, or the law, should not be rewarded by the legislature. Consideration of legitimate concerns should not be addressed under the present circumstances.

The MACO representatives are aware of my feelings in this matter and I

suspect that I am not the only one on the committee who feels that the Law and Justice Committee has been poorly used. I suggest that you confer with your lobbyists.

Respectfully,



Jim Shockley

JGS/jgs

cc: Senator McGee
Senator Laslovich
Representative Stoker
County Attorney Corn
political file